

AMENDED IN ASSEMBLY JULY 1, 2005

AMENDED IN SENATE APRIL 27, 2005

SENATE BILL

No. 1021

Introduced by Senator Bowen
(Coauthor: Assembly Member Garcia)

February 22, 2005

An act to amend ~~Sections 12810 and~~ *Section* 42001 of, and to add Sections 21070 and 42001.19 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1021, as amended, Bowen. Infractions: bodily injury *or great bodily injury*.

Under existing law, it is generally an infraction punishable by a fine not exceeding \$100 for a driver to violate the traffic laws of this state.

~~Existing law assigns a value of one point, for purposes of the Department of Motor Vehicles drivers' license record, for most traffic convictions involving the safe operation of a motor vehicle upon the highway.~~

This bill would create the public offense of unsafe operation of a motor vehicle with bodily injury *or great bodily injury, as defined*, and would impose a fine of ~~\$150~~ \$50 if bodily injury is involved and ~~\$250~~ \$70 if great bodily injury, ~~as defined~~, is involved.

~~The bill would also assign a value of 2 points upon a conviction.~~

Because this bill would create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 12810 of the Vehicle Code is amended~~
2 ~~to read:~~
3 ~~12810. In determining the violation point count, the following~~
4 ~~shall apply:~~
5 ~~(a) Any conviction of failure to stop in the event of an accident~~
6 ~~in violation of Section 20001 or 20002 shall be given a value of~~
7 ~~two points.~~
8 ~~(b) Any conviction of a violation of Section 23152 or 23153~~
9 ~~shall be given a value of two points.~~
10 ~~(c) Any conviction of reckless driving shall be given a value~~
11 ~~of two points.~~
12 ~~(d) (1) Any conviction of a violation of subdivision (c) of~~
13 ~~Section 192 of the Penal Code, or of Section 2800.2 or 2800.3,~~
14 ~~subdivision (b) of Section 21651, subdivision (b) of Section~~
15 ~~22348, subdivision (a) or (c) of Section 23109, or Section 31602~~
16 ~~of this code, shall be given a value of two points.~~
17 ~~(2) Any conviction of a violation of subdivision (a) or (b) of~~
18 ~~Section 23140 shall be given a value of two points.~~
19 ~~(e) Any conviction of a violation of Section 14601, 14601.1,~~
20 ~~14601.2, 14601.3, or 14601.5 shall be given a value of two~~
21 ~~points.~~
22 ~~(f) Except as provided in subdivision (i), any other traffic~~
23 ~~conviction involving the safe operation of a motor vehicle upon~~
24 ~~the highway shall be given a value of one point.~~
25 ~~(g) Any traffic accident in which the operator is deemed by the~~
26 ~~department to be responsible shall be given a value of one point.~~
27 ~~(h) Any conviction of a violation of Section 21070 shall be~~
28 ~~given a value of two points.~~
29 ~~(i) Any conviction of a violation of Section 27360 or 27360.5~~
30 ~~shall be given a value of one point.~~
31 ~~(j) (1) A violation of paragraph (1), (2), (3), or (5) of~~
32 ~~subdivision (b) of Section 40001 shall not result in a violation~~

point count being given to the driver if the driver is not the owner of the vehicle.

~~(2) Any conviction of a violation of paragraph (1) or (2) of subdivision (b) of Section 12814.6, subdivision (a) of Section 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or 26707 shall not be given a violation point count.~~

~~(3) A violation of Section 23136 shall not result in a violation point count.~~

~~(k) A conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.~~

~~SEC. 2.—~~

SECTION 1. Section 21070 is added to the Vehicle Code, to read:

21070. Notwithstanding any other provision of law, a driver who violates ~~an offense specified in any provision of~~ this division, that is punishable as an infraction, and as a result of that violation proximately causes bodily injury *or great bodily injury, as defined in Section 12022.7 of the Penal Code*, to another person is guilty of the public offense of unsafe operation of a motor vehicle with bodily injury *or great bodily injury*. That violation is punishable as an infraction pursuant to Section 42001.19.

~~SEC. 3.—~~

SEC. 2. Section 42001 of the Vehicle Code is amended to read:

42001. (a) Except as provided in subdivision (e) of Section 21464, or Section 42000.5, 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9, 42001.11, 42001.12, 42001.13, 42001.14, 42001.15, 42001.16, subdivision (a) of Section 42001.17, Section 42001.18, or Section 42001.19, or subdivision (b), (c), or (d) of this section, or Article 2 (commencing with Section 42030), every person convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished as follows:

(1) By a fine not exceeding one hundred dollars (\$100).

(2) For a second infraction occurring within one year of a prior infraction which resulted in a conviction, a fine not exceeding two hundred dollars (\$200).

1 (3) For a third or any subsequent infraction occurring within
2 one year of two or more prior infractions which resulted in
3 convictions, a fine not exceeding two hundred fifty dollars
4 (\$250).

5 (b) Every person convicted of a misdemeanor violation of
6 Section 2800, 2801, or 2803, insofar as they affect failure to stop
7 and submit to inspection of equipment or for an unsafe condition
8 endangering any person, shall be punished as follows:

9 (1) By a fine not exceeding fifty dollars (\$50) or imprisonment
10 in the county jail not exceeding five days.

11 (2) For a second conviction within a period of one year, a fine
12 not exceeding one hundred dollars (\$100) or imprisonment in the
13 county jail not exceeding 10 days, or both that fine and
14 imprisonment.

15 (3) For a third or any subsequent conviction within a period of
16 one year, a fine not exceeding five hundred dollars (\$500) or
17 imprisonment in the county jail not exceeding six months, or
18 both that fine and imprisonment.

19 (c) A pedestrian convicted of an infraction for a violation of
20 this code or any local ordinance adopted pursuant to this code
21 shall be punished by a fine not exceeding fifty dollars (\$50).

22 (d) A person convicted of a violation of subdivision (a) or (b)
23 of Section 27150.3 shall be punished by a fine of two hundred
24 fifty dollars (\$250), and a person convicted of a violation of
25 subdivision (c) of Section 27150.3 shall be punished by a fine of
26 one thousand dollars (\$1,000).

27 (e) Notwithstanding any other provision of law, any local
28 public entity that employs peace officers, as designated under
29 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
30 of the Penal Code, the California State University, and the
31 University of California may, by ordinance or resolution,
32 establish a schedule of fines applicable to infractions committed
33 by bicyclists within its jurisdiction. Any fine, including all
34 penalty assessments and court costs, established pursuant to this
35 subdivision shall not exceed the maximum fine, including
36 penalty assessment and court costs, otherwise authorized by this
37 code for that violation. If a bicycle fine schedule is adopted, it
38 shall be used by the courts having jurisdiction over the area
39 within which the ordinance or resolution is applicable instead of

1 the fines, including penalty assessments and court costs,
2 otherwise applicable under this code.

3 ~~SEC. 4.—~~

4 *SEC. 3.* Section 42001.19 is added to the Vehicle Code, to
5 read:

6 42001.19. Notwithstanding any other provision of law, a
7 person convicted of a violation of Section 21070 is punishable, as
8 follows:

9 (a) For a violation involving bodily injury, by a fine of ~~one~~
10 ~~hundred fifty dollars (\$150).~~ *fifty dollars (\$50).*

11 (b) For a violation involving great bodily injury, as defined in
12 Section 12022.7 of the Penal Code, by a fine of ~~two hundred fifty~~
13 ~~dollars (\$250).~~ *seventy dollars (\$70).*

14 ~~SEC. 5.—~~

15 *SEC. 4.* No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the
20 penalty for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition of a
22 crime within the meaning of Section 6 of Article XIII B of the
23 California Constitution.